

REMARKS

The Office Action addresses claims 1-13. By the foregoing amendment, Claim 1 has been cancelled and new claims 14 and 15 are presented for consideration. Claims 2-15 remain in the application. In the Office Action claims 1-13 stand rejected under 35 USC §112. Claims 1-7 and 9-13 stand rejected under 35 USC §102. Claim 8 stands rejected under 35 USC §103. In light of the foregoing amendment and the following remarks, withdrawal of the rejections and reconsideration of the claims are respectfully requested.

Claim 13 is objected to for the following informality: No antecedent basis for the term "the bicycle". Claim 13 has been amended to read "a bicycle". Withdrawal of the objection is respectfully requested.

Claims 1-13 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claims 1-13 have been amended to address the Examiner's rejection under 35 USC §112, with respect to "things which may be done that are not required to be done". However, Applicant respectfully disagrees with Examiner's assertion that terms such as "rotatable" and "displaceable" are analogous to the terms found indefinite in the cases cited by the Examiner. Nonetheless, the claims have been amended to clarify the structural requirements of these features. With respect to the double inclusion of terms in claims 1 and 13, claim 1 has been canceled, rendering the rejection moot. Claim 13 has been amended to address this issue raised by the Examiner. Claim 13 has further been amended to remove the terms "engaging element" and "bushing", and returning to the language originally used in the specification. In light of the foregoing amendments and remarks, withdrawal of the rejection under 35 USC §112 and reconsideration of the claims are respectfully requested.

Claims 1-7 and 9-13 stand rejected under 35 USC §102(b) as being anticipated by Lyotard '470. This rejection is respectfully traversed.

Applicant's prior response, mailed July 11, 2007, is incorporated herein in its entirety. Further, with respect to Lyotard '470, on page 5 of the Office Action, it is asserted that "the shoe insert 1 has a control element 1A which is forced against cylindrical outer surfaces of the bushings 4, 7 in such a manner that when the shoe insert 1 is rotated to release the engaging element 1G1, 1G2, the engaging element 1G1, 1G2 is raised". This is simply not disclosed by Lyotard '470. Instead, Lyotard '470 discloses a shoe insert of the pedal system that does not comprise a control element forced against cylindrical external surfaces of the sleeve (elements 4C, 7 in Figure 7). Referring to Figures 1, 2, 7 and 8 of Lyotard '470, the shoe insert 1 does not contact the external surfaces of the sleeves, nor does the shoe (shown in phantom) contact said sleeves. Furthermore, release of the shoe insert disclosed in Lyotard '470 requires that the shoe insert be moved parallel to the longitudinal axis of the pedal, parallel to the axle, in the direction of the arrow F3 in Figure 7. The shoe insert is then inclined, in the direction of the arrow F5 in Figure 7, to clear the sleeve 4C. No part of the shoe or shoe insert contacts the external surfaces of sleeves 4, 7. Further, Lyotard '470 does not include a control element comprising wings situated on the external surfaces of the sleeves when the detent element is engaged, as required by claim 14. Lyotard '470 further does not disclose the control element having supporting wings extending laterally of the detent element, the insides of which supporting wings contact said external surface areas of the sleeves, as required by claim 15.

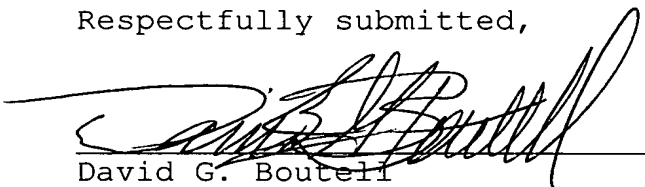
Referring to the specification and drawings, the inventive pedal system comprises a control element 21 with two wings 21C being in contact with the outer surface areas of the sleeves 5, 15 when the detent element 20 is engaged (see page

3, paragraph [0015]). As illustrated in Figure 10 and described on pages 8 and 9 of the specification, a quick release of the shoe insert from the pedal is guaranteed by rotating the shoe and the shoe insert about an axis of rotation perpendicular to the pedal axle as shown in Figure 10.

In light of the foregoing amendments and remarks, it is clear that the Lyotard '470 reference does not disclose the claimed structure of the instant invention as found in claims 13-15. Further, claim 2-12, which depend from claim 13, should be considered allowable therewith. Accordingly, withdrawal of the rejection of claims 2-13 and consideration of the claims are respectfully requested.

In light of the foregoing, the claims remaining in the application are considered to be in condition for allowance and early notice of allowability is courteously solicited. If necessary to further prosecution of the application, the Examiner is invited to contact the Applicant's representatives listed below.

Respectfully submitted,



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